

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

PEOPLES NATIONAL BANK, N.A.,

Plaintiff,

V.

THE AMERICAN COAL COMPANY,

Defendant.

Case No. 3:09-cv-00761-GPM-DGW

AMENDED SCHEDULING ORDER

Depositions upon oral examination, interrogatories, request for documents, and answers and responses thereto shall not be filed unless on order of the Court.

Disclosures or discovery under Rule 26(a) of the Federal Rules of Civil Procedure are to be filed with the Court only to the extent required by the final pretrial order, other order of the Court, or if a dispute arises over the disclosure or discovery.

Having reviewed the Report of the Parties and finding that the parties have complied with the requirements of Federal Rule of Civil Procedure 26(f) and SDIL-LR 16.2(a), the Court hereby approves and enters the Proposed Amended Scheduling and Discovery Order as submitted by the parties.

- A. Plaintiff's deposition shall be taken by March 15, 2011.
- B. Defendant's deposition shall be taken by April 15, 2011.
- C. Third Party actions must be commenced by February 1, 2011. Cross-claims and counterclaims shall be filed in accordance with the Federal Rules of Civil Procedure.
- D. Expert witnesses shall be disclosed, along with a written report prepared and

signed by the witness pursuant to Federal Rule of Civil Procedure 26(a)(2), as follows:

Plaintiff's expert(s): May 2, 2011.

Defendant's expert(s): June 1, 2011.

Third Party expert(s): July 1, 2011.

E. Depositions of expert witnesses must be taken by:

Plaintiff's expert(s): June 1, 2011.

Defendant's expert(s): July 1, 2011.

Third Party expert(s): August 1, 2011.

F. Discovery shall be completed by August 5, 2011 (which date shall be no later than one hundred fifteen (115) days before the first day of the month of the presumptive trial month). Any written interrogatories or request for production served after the date of the Scheduling and Discovery Order shall be served by a date that allows the served parties the full thirty (30) days as provided by the Federal Rules of Civil Procedure in which to answer or produce by the discovery cut-off date.

G. All dispositive motions shall be filed by August 19, 2011 (which date shall be no later than one hundred (100) days before the first day of the month of the presumptive trial month). Dispositive motions filed after this date will not be considered by the Court.

H. The settlement conference before Magistrate Judge Donald G. Wilkerson has been RESET for **August 5, 2011 at 9:00 a.m.** in the East St. Louis Federal Courthouse. If the parties believe that a sooner or later settlement conference date will be beneficial, they may contact chambers.

I. A final pretrial conference will be set by United States Judge G. Patrick Murphy at a later date.

J. As RESET by the Court, the presumptive trial month is **December 2011**.

K. The Court's Order Regarding Discovery (Doc. 27) remains in effect.

DATED: September 1, 2010

s/ *Donald G. Wilkerson*
DONALD G. WILKERSON
United States Magistrate Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

PEOPLES NATIONAL BANK, N.A., as a Secured Creditor holding Notes and Security Agreements of P&K Business Corporation, and PEOPLES NATIONAL BANK, N.A., as Assignee of the Notes and Security Agreements held by Farmers State Bank of Alto Pass as Secured Creditor of PJM Enterprises of Marion, Inc.,

Plaintiff,

V.

THE AMERICAN COAL COMPANY,

Defendant.

CIVIL No. 3:09-cv-761

CJRA TRACK: B
PRESUMPTIVE TRIAL MONTH:
MARCH 2011

JUDGE: MURPHY

AMENDED SCHEDULING AND DISCOVERY ORDER

The previous Scheduling Order (Doc. 25), as agreed upon by the parties, is amended as follows:

1. Plaintiff's deposition shall be taken by March 15, 2011.
4. Defendant's deposition shall be taken by April 15, 2011.
5. Third Party actions must be commenced by February 1, 2011. Cross-claims and counterclaims shall be filed in accordance with the Federal Rules of Civil Procedure.
6. Expert witnesses shall be disclosed, along with a written report prepared and signed by the witness pursuant to Federal Rule of Civil Procedure 26(a)(2), as follows:

Plaintiff's expert(s): May 2, 2011.

Defendant's expert(s): June 1, 2011.

Third Party expert(s): July 1, 2011.

7. Depositions of expert witnesses must be taken by:

Plaintiff's expert(s): June 1, 2011.

Defendant's expert(s): July 1, 2011.

Third Party expert(s): August 1, 2011.

8. Discovery shall be completed by August 5, 2011 (which date shall be no later than one hundred fifteen (115) days before the first day of the month of the presumptive trial month). Any written interrogatories or request for production served after the date of the Scheduling and Discovery Order shall be served by a date that allows the served parties the full thirty (30) days as provided by the Federal Rules of Civil Procedure in which to answer or produce by the discovery cut-off date.

9. All dispositive motions shall be filed by August 19, 2011 (which date shall be no later than one hundred (100) days before the first day of the month of the presumptive trial month). Dispositive motions filed after this date will not be considered by the Court.

10. Final Pretrial Conference is set before Judge Murphy

_____, 2011 at _____ a.m.

11. A Jury Trial is set before Judge Murphy for _____,
2011 at _____ a.m.

DONALD G. WILKERSON
UNITED STATES MAGISTRATE JUDGE

APPROVED AS TO FORM:

PEOPLES NATIONAL BANK, N.A.,
BY: THE SHARP LAW FIRM, P.C.,

THE AMERICAN COAL COMPANY,
BY: MCGUIRE WOODS, LLP,

/s/ Terry Sharp,
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/s/ Kristin H. Sculli w/consent
Attorney(s) for Defendant

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